MEDICAL EXAMINING BOARD MINUTES JANUARY 25, 2006

PRESENT: Drs. Lief Erickson; Jon Gudeman; Sujatha Kailas; Jack Lockhart; Daniel

J. Miota (portion of meeting); Gene Musser; Sandra Osborn, Bhupinder S.

Saini; and Virginia Heinemann

ABSENT: Dr. Franger, Dr. Munro and Martha Vukelich-Austin

STAFF: Tom Ryan, Bureau Director; Colleen Baird, Legal Counsel; PJ Monson,

Bureau Assistant and DRL staff.

GUESTS: Jeremy Levin, Wisconsin Medical Society; Jason Johns and Rob Worth,

Wisconsin Physical Therapist Association

CALL TO ORDER

Dr. Saini called the meeting to order at 8:04 a.m. There was a quorum of 8 members present.

APPROVAL OF AGENDA

Additions to Agenda:

- Item D 2005 Assembly Bill 709 relating to licensing midwives
- Between Item E & F Letter from Alberta Darling, Wisconsin State Senator to the Medical Examining Board, regarding the seven year rule.
- After Item J Proposed Stipulation, Final Decision and Order in case numbers 05 MED 017 and 05 MED 131
- After Item J Proposed Stipulation Final Decision and Order in case number 02 MED 184
- Before Item L Request to the Board to petition the Secretary for an extension of time in case number 05 MED 003
- Before Item L Administrative Warning in case 03 MED 004 and 02 MED 426
- Between Item O & P Request for waiver concerning CE Carl R. Poley, MD
- Item C Screening Committee Report

Removed from Agenda:

- Presentation of Proposed Stipulation, Final Decision and Order for Remedial Education in the matter of the license of Elizabeth Wilson-Ward.
- Item K Remedial Education in the matter of the license of Elizabeth Wilson-Ward.

MOTION: Dr. Gudeman moved, seconded by Dr. Osborn, to approve the agenda with amendments. Motion carried unanimously.

APPROVAL OF MINUTES OF DECEMBER 14, 2005

Amendments to minutes:

• Dr. Musser abstained from deliberations and voting on the motion in the matter of disciplinary proceedings against William Hisgen, MD.

MOTION: Ms. Heinemann moved, seconded by Dr. Kailas, to approve the December 14, 2005 minutes with amendment. Motion carried unanimously.

ELECTION OF OFFICERS FOR 2006

Mr. Ryan called three times for nominations for the office of Chair.

MOTION: Ms. Heinemann moved, seconded by Dr. Musser, to nominate Dr. Saini as Chair of the Board. Motion carried unanimously by show of hands.

MOTION: Dr. Lockhart moved, seconded by Dr. Osborn, to nominate Dr. Musser as Chair of the Board. Dr. Musser declined the nomination.

Mr. Ryan called three times for nominations for the office of Vice Chair.

MOTION: Dr. Lockhart moved, seconded by Ms. Heinemann, to nominate Dr. Musser as Vice Chair. After no other nominations were offered, motion carried unanimously by show of hands.

Mr. Ryan called three times for nominations for the office of Secretary.

MOTION: Ms. Heinemann moved, seconded by Dr. Lockhart, to nominate Dr. Miota as Secretary. The motion was withdrawn because Dr. Miota was not in attendance.

MOTION: Dr. Musser moved, seconded by Dr. Osborn, to nominate Dr. Kailas as Secretary. Motion carried unanimously by show of hands.

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

Diana L. Kruse, MD

Attorney Arthur Thexton presented the Proposed Stipulation, Final Decision and Order in the matter of Diana L. Kruse, MD.

Robert A. Gruesen, Jr., MD

Attorney Michael J. Berndt presented the Proposed Stipulation, Final Decision and Order in the matter of Robert A. Gruesen, Jr., MD

Vijava Dasgupta, MD

Attorney Pamela Stach presented the Proposed Stipulation, Final Decision and Order in the matter of Vijaya Dasgupta, MD

Robert Eric Seward, MD

Attorney Pamela Stach presented the Proposed Stipulation, Final Decision and Order in the matter of Robert Eric Seward, MD

03 MED 003

Attorney Pamela Stach presented the Petition to the Secretary for extension of time in the matter of case number 05 MED 003

ADMINISTRATIVE REPORT

Annual Policy Review with Boards

Mr. Ryan reviewed the 2006 travel and meeting information for the Board members and suggested they be read and kept for future referral.

FSMB Annual Meeting – travel requests – Board Chair and Bureau Director or their designees

Dr. Musser moved, seconded by Ms. Heinemann, to designate the **MOTION:**

> Board chair and Bureau Director to attend the FSMB Annual Meeting and allow them to appoint a designee in their place,

should they not attend. Motion carried unanimously.

Mr. Ryan discussed the importance of the clarity of motions at the time the motion is made.

SCREENING REPORT

Ms. Heinemann stated 52 screening cases were reviewed, 13 cases were opened and 39 were not opened.

MOTION: Ms. Heinemann moved, seconded by Dr. Lockhart to thank Dr.

Franger for his two years of serving as Board Chair. Motion

carried unanimously.

SUMMARY REPORTS OF PENDING COURT CASES, DISCIPLINARY CASES, ADMINISTRATIVE RULES AND LEGISLATION

2005 Assembly Bill 709

Mr. Ryan addressed the Board regarding 2005 Assembly Bill 709 and suggested the Board discuss and act if they so choose. The Board discussed the bill in detail, and a statement from Dr. Franger was read.

MOTION: Dr. Erickson moved, seconded by Dr. Gudeman, in favor of the

Medical Examining Board going on record to oppose the

Assembly Bill 709. Motion carried unanimously.

Ms. Baird will create and submit a letter to the legislature in response to Assembly Bill 709. Dr. Kailas suggested the Chair or his designee review the letter.

GENERAL POLICY FOR CONTINUING EDUCATION (CE) EXTENSION/WAIVER REQUESTS AT RENEWAL

Dr. Barb Showers, Office of Education and Examinations Director, appeared before the Board to discuss the renewal process with regard to requests for extensions of time to complete CE at the time of license renewal.

Dr. Showers suggested three options: 1) The license holder is unable to practice until Board meets; 2) If everything is submitted prior to renewal, the license holder can practice until Board meets; or 3) The Board appoints a renewal liaison.

MOTION: Dr. Erickson moved, seconded by Dr. Lockhart, to allow the

renewal department to issue an extension until the next Board meeting if the renewal and request for CE extension is submitted to the department in a timely and sufficient manner. Motion carried

unanimously.

CITIZEN ADVOCACY CENTER CONFERENCE TRAVEL REPORT

Dr. Musser reported on the Citizen Advocacy Center meeting he attended. A topic of the conference was the measurement of the performance of boards and its members. Dr. Musser suggested a need for a system of improvement, such as recurring agenda topics that address aspects of Board performance or possibly a retreat. Another suggestion was to look at improving Wisconsin's duty to report laws and compliance with laws currently in place. Dr. Musser suggested the Board appoint a legislative liaison.

(Dr. Miota joined the meeting during Dr. Musser's discussion)

WISCONSIN MEDICAL SOCIETY (WMS) DISCUSSION REPORT

No report at today's meeting.

REVIEW OF 7 YEAR RULE

Dr. Carl Getto, Associate Dean, University of Wisconsin Medical School, appeared before the Board to discuss his views on the adequacy of the 7 year rule. Dr. Getto stated that the UW feels it is very important that their students get licensed as soon as possible. Dr. Getto acknowledged that taking the examinations as soon as possible is ideal and that waiting makes it much more difficult to pass them, but he acknowledged the circumstances that could cause a delay in completing the steps in a timely manner.

MOTION: Dr. Gudeman moved, seconded by Dr. Lockhart, to change the rule from 7 to 10 years to allow applicants to pass the three parts of the

USMLE. Motion carried. Ms. Heinemann opposed.

BARBERING AND COSMETOLOGY RULE PROPOSAL RELATING TO MICRODERMABRASION

Dennis Schuh appeared on behalf of the Barbering and Cosmetology (BC) Examining Board and stated that the BC Board will be holding a public hearing on the microdermabrasion rule at its next meeting. The Medical Examining Board will obtain additional information and continue this discussion at the February Medical Board meeting.

Wisconsin Physical Therapy Association (WPTA) Position Statement

Jason Johns and Rob Worth, WPTA, appeared before the Board to answer questions regarding the establishment of a Physical Therapy Examining Board. The Board decided to continue discussion at the February meeting.

INFORMATIONAL ITEMS

Noted.

CONVENE TO CLOSED SESSION

MOTION:

Dr. Musser moved, seconded by Dr. Erickson, to adjourn to closed session pursuant to Wisconsin State statutes § 29.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests, requests for licensure, deliberating on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and Division of Enforcement case status reports. Motion carried by roll call vote: Dr. Erickson-yes; Dr. Gudeman-yes; Dr. Lockhart-yes, Ms. Heinemann-yes, Dr. Kailas-yes; Dr. Miota-yes; Dr. Musser-yes;

Dr. Osborn-yes; Dr. Saini-yes.

Open Session recessed at 11:12 a.m.

RECONVENE TO OPEN SESSION

MOTION:

Dr. Miota moved, seconded by Dr. Osborn, to reconvene to open session. Motion carried unanimously.

Open session reconvened at 1:25 p.m.

DELIBERATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

DIANA L. KRUSE, MD

MOTION:

Dr. Kailas moved, seconded by Dr. Musser, to adopt the Findings of Fact, Conclusions of Law, Stipulation, and Order in the matter of disciplinary proceedings against Diana L. Kruse, MD. Motion carried unanimously.

ROBERT A. GRUESEN, JR, MD

MOTION:

Dr. Lockhart moved, seconded by Dr. Musser, to adopt the Findings of Fact, Conclusions of Law, Stipulation, and Order in the matter of disciplinary proceedings against Robert A. Gruesen, Jr, MD. Motion carried unanimously.

VIJAYA DASGUPTA, MD

MOTION:

Dr. Kailas moved, seconded by Dr. Lockhart, to adopt the Findings of Fact, Conclusions of Law, Stipulation, and Order in the matter of disciplinary proceedings against Vijaya Dasgupta, MD. Motion carried unanimously.

ROBERT ERIC SEWARD, MD

MOTION:

Dr. Gudeman moved, seconded by Dr. Osborn, to adopt the Findings of Fact, Conclusions of Law, Stipulation, and Order in the matter of disciplinary proceedings against Robert Eric Seward, MD. Motion carried unanimously.

REQUEST FOR EXTENSION OF TIME

05 MED 003

MOTION:

Dr. Kailas moved, seconded by Ms. Heinemann, to petition the Secretary of the Department to approve the extension until April of 2006 in case 05 MED 003. Motion carried unanimously. Dr. Erickson abstained.

ADMINISTRATIVE WARNING

03 MED 583

MOTION:

Dr. Musser moved, seconded by Dr. Gudeman, to approve the administrative warning in the matter of 03 MED 583. Motion carried unanimously.

03 MED 004 AND 02 MED 426

MOTION:

Dr. Kailas moved, seconded by Dr. Miota, to approve the administrative warning in the matter of case 03 MED 004 and 02 MED 426. Motion carried unanimously. Dr. Saini and Dr. Lockhart abstained.

DELIBERATION IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST JEFFREY MANLOVE, MD

Dennis Schuh, Administrative Law Judge, answered questions relating to this case.

MOTION: Dr. Gudeman moved, seconded by Dr. Osborn, to adopt the variance and deny the proposed decision and order in the matter of

Medical Examining Board January 25, 2006 Minutes Page 7 of 11 disciplinary proceedings against Jeffrey Manlove, MD. Motion carried unanimously. Dr. Erickson left the room for deliberations and did not vote.

Dr. Kailas will review the variance prior to it being signed.

LICENSE APPLICATION PAUL R. TROOST

MOTION: Dr. Kailas moved, seconded by Dr. Lockhart, to approve the

license application for Paul R. Troost. Motion carried

unanimously.

REQUEST FOR EXTENSION OF TIME FOR CE DEMETRIO C. MAGUIGAD SR., MD

MOTION: Dr. Kailas moved, seconded by Dr. Osborn, to allow a six month

CE extension from the date of today's meeting for Demetrio C.

Maguigad, Sr., MD. Motion carried unanimously.

REQUEST FOR WAIVER OF CE CARL R. POLEY, MD

MOTION: Dr. Lockhart moved, seconded by Dr. Erickson, to allow a one

month CE extension to Feb, 28 2006 for Carl R. Poley, MD.

Motion carried unanimously.

DELIBERATION OF PROPOSED DECISION IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST A. HERTSEL ZACKAI, MD

MOTION: Dr. Lockhart moved, seconded by Dr. Osborn, to accept the final

decision and order as amended in the matter against A. Hertzel

Zackai, MD. Motion carried unanimously.

DOE MONITORING

EDGAR KRAMER OLIVEIRA FILHO, MD REQUESTING FULL REINSTATEMENT

MOTION: Dr. Musser moved, seconded by Dr. Lockhart, to approve full

reinstatement of license for Edgar Kramer Oliveira Filho, MD.

Motion carried unanimously.

JAMES MORAN, MD REQUESTING FULL REINSTATEMENT

MOTION: Dr. Gudeman moved, seconded by Dr. Osborn, to approve full

reinstatement of license for James Moran, MD. Motion carried

unanimously. Dr. Erickson abstained.

DILIP PATEL, MD REQUESTING FULL REINSTATEMENT

MOTION: Dr. Osborn moved, seconded by Dr. Kailas, to approve full

reinstatement of license for Dilip Patel, MD. Motion carried

unanimously.

BENJAMIN BEGLEY, MD REQUESTING THREE MONTH STAY

MOTION: Dr. Miota moved, seconded by Dr. Osborn, to approve the three

month stay for Benjamin Begley, MD. Motion carried

unanimously.

RICHARD HELFFRICH, MD REQUESTING THREE MONTH STAY

MOTION: Dr. Kailas moved, seconded by Dr. Osborn, to approve the three

month stay for Richard Helffrich, MD. Motion carried

unanimously.

JOHN GREGORY HOFFMANN, MD REQUESTING THREE MONTH STAY

MOTION: Dr. Osborn moved, seconded by Ms. Heinemann, to approve the

three month stay for John Gregory Hoffmann, MD. Motion carried

unanimously.

THOMAS STRICK, MD REQUESTING THREE MONTH STAY AND MODIFICATIONS

MOTION: Dr. Gudeman moved, seconded by Dr. Erickson, to approve the

three month stay for Thomas Strick, MD. Motion carried

unanimously.

ROBERT VINCENT, MD REQUESTING THREE MONTH STAY AND MODIFICATIONS

MOTION: Dr. Lockhart moved, seconded by Dr. Osborn, to approve the three

month stay with modifications (52 UA and therapy once every two weeks) for Robert Vincent, MD. Motion carried unanimously. Dr.

Musser abstained.

JENE VANDENHOUT, PT POSSIBLE VIOLATION OF BOARD ORDER

MOTION: Dr. Erickson moved, seconded by Dr. Gudeman, to suspend the

license in the matter of Jene Vandenhout, PT. Motion carried

unanimously.

MOTION: Dr. Miota moved, seconded by Ms. Heinemann to refer Jene

Vandenhout to DOE. Motion carried unanimously.

MOTION: Dr. Miota moved, seconded by Dr. Osborn, to delegate the

Department Monitor in consultation with the Board liaison to change the status of the license to suspended status if the respondent does not request a further stay. Motion carried

unanimously.

This motion is intended to cover all monitoring cases.

DOE CASE CLOSINGS

05 MED 144

MOTION: Dr. Musser moved, seconded by Dr. Erickson, to approve the

closing of case 05 MED 144 upon completion of the required

education. Motion carried unanimously.

03 MED 321

MOTION: Dr. Miota moved, seconded by Dr. Osborn, to close case 03 MED

321 for no violation. Motion carried unanimously. Dr. Lockhart

abstained.

05 MED 073

MOTION: Dr. Miota moved, seconded by Dr. Kailas, to close case 05 MED

073 for no violation. Motion carried unanimously. Dr. Erickson

abstained.

Medical Examining Board January 25, 2006 Minutes Page 10 of 11

03 MED 116

MOTION: Dr. Gudeman moved, seconded by Dr. Musser, to close case 03

MED 116 for insufficient evidence. Motion carried unanimously.

Dr. Lockhart and Dr. Saini abstained.

03 MED 193

MOTION: Dr. Miota moved, seconded by Dr. Erickson, to close case 03

MED 193 for prosecutorial discretion (P2). Motion carried

unanimously. Dr. Musser and Dr. Osborn abstained.

05 MED 032

MOTION: Dr. Miota moved, seconded by Dr. Osborn, to close case 05 MED

032 for insufficient evidence. Motion carried unanimously.

RATIFYING LICENSES AND CERTIFICATES

MOTION: Dr. Kailas moved, seconded by Dr. Erickson, to ratify all licenses.

Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION IF VOTING IS APPROPRIATE

MOTION: Ms. Heinemann moved, seconded by Dr. Kailas, to reaffirm all

motions made during closed session. Motion carried unanimously.

EXAM SCORES

MOTION: Ms. Heinemann moved, seconded by Dr. Kailas, to accept the

exam scores of today's date. Motion carried unanimously.

ADJOURNMENT

MOTION: Dr. Gudeman moved, seconded by Dr. Kailas, to adjourn the

meeting at 1:26 p.m. Motion carried unanimously.